

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAYMOND RODRIGUEZ **FILED** CIVIL ACTION

v.

NOV 1 2008

JOSEPH NISH, et al.

MICHAEL E. KONZ, Clerk
By _____ Dep. Clerk No. 08-1983

ORDER

AND NOW, this 24 day of November, 2008, upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge Peter B. Scuderi, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for a writ for habeas corpus filed pursuant to 28 U.S.C. § 2254 is DISMISSED.
3. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:

Mary A. McLaughlin
MARY A. MCLAUGHLIN, J.